



# Report to the Royal Borough of Kingston upon Thames

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

## REPORT ON THE EXAMINATION INTO THE KINGSTON TOWN CENTRE AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 25 May 2007

Examination hearings held between 29 January and 6 February 2008 at the Guildhall, High Street, Kingston upon Thames.

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## 1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act), the purpose of the independent examination of a development plan document (DPD) is to determine:
- (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and
  - (b) whether it is sound.
- 1.2 This report contains my assessment of the Kingston Town Centre Area Action Plan (AAP) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the AAP has been prepared in accordance with the Act and Regulations. In particular, I note the clear statement in para 2.15 of the Plan as to which of the saved policies in the adopted Royal Borough of Kingston upon Thames Unitary Development Plan (UDP) will be superseded by this DPD, as required by Regulation 13(5).
- 1.4 My consideration of the soundness of the submitted AAP is against each of the tests set out in Planning Policy Statement 12: *Local Development Frameworks* (PPS 12). In line with national policy, the AAP is presumed to be sound unless it is shown to be otherwise by evidence considered during the examination. The changes that I have specified in this binding report are made only where there is a clear need to amend the document in the light of the soundness tests. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.5 My report firstly considers the procedural tests, and then deals with the relevant matters and issues considered during the examination in terms of the tests of conformity, coherence, consistency and effectiveness. I have not found it necessary to explore each and every representation in detail but I have considered all of the matters raised. Some concerns mentioned by representors are dealt with by the Council's suggested minor text changes, which are set out in Annex 1 to this report. Together with other background papers, this document is available on the examination website<sup>1</sup>.
- 1.6 **My overall conclusion is that the Kingston Town Centre Area Action Plan is sound, provided it is changed in the ways that are specified in this report.** All of the detailed changes that are required in order to make the Plan sound are set out in the main

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<sup>1</sup> [http://www.kingston.gov.uk/browse/environment/planning/kplus20/kplus20\\_eip.htm](http://www.kingston.gov.uk/browse/environment/planning/kplus20/kplus20_eip.htm)

text of the report. A number of these changes are the same as (or broadly similar to) amendments put forward by the Council at various stages during the examination process. However, I have not agreed with all of the Council's suggested changes – as is explained in my report.

1.7 The six most significant changes that I have recommended are set out below. Matters (a) and (f) broadly reflect amendments suggested by the Council during the examination process.

(a) amendment of policy K7's housing target to include around 500 student bedspaces in addition to 1000 new homes;

(b) inclusion of general housing as a possible use at site P10 (Kingston Station);

(c) strengthening of the policy linkage between the delivery of retail development and intended transport improvements;

(d) removal of the "+/- 700 spaces" from policy K20;

(e) deletion of the 'landmark' site notation from proposal sites P12, P13 and P17; and

(f) changes to take into account the ending of the Council's relationship with its initial strategic delivery partner.

## **2 Procedural Tests**

### **Test 1 – Local Development Scheme**

2.1 The AAP is contained within the Council's Local Development Scheme, the updated version being approved in April 2007. In this document, it is shown as having a submission date of May 2007. Accordingly, the 1<sup>st</sup> test of PPS 12's para. 4.24 is met.

### **Test 2 – Statement of Community Involvement**

2.2 The Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and was formally adopted by the Council before the date of the examination hearings. It is evident from the documents submitted, including the Regulation 28 and 31 Statements and the Self Assessment Paper, that the Council has met the requirements as set out in the Regulations. The 2<sup>nd</sup> procedural test has been met.

### **Test 3 – Sustainability Appraisal (SA)**

2.3 The commencement of work on the AAP's preparation predated the Planning and Compulsory Purchase Act 2004. Nevertheless, the Council has made efforts to seek consistency with the Sustainability Appraisal (SA) process, in consultation with the Government Office

for London (GOL). GOL confirmed at the examination hearings that it is broadly satisfied that this soundness test has been met. The statutory bodies identified in relevant SA guidance were consulted at the "preferred options" stage. Comments from English Heritage and the Environment Agency were incorporated into the SA and the AAP; Natural England was consulted on the final SA report and has raised no objection to either the AAP or the SA.

- 2.4 At the examination hearings, I queried why the Council's "preferred options" consultation exercise did not present stakeholders with a choice of alternative strategies. However, while this approach conflicts with the broad thrust of PPS 12 and supporting guidance, I accept the Council's assessment that, given the specific circumstances of the AAP, it does not represent a fundamental flaw in the Plan's soundness. In particular, I note that three scenarios for Kingston's town centre were explored in the SA report. This sets out the reasons for rejecting the "do nothing" and "higher growth" options, and for proceeding with the "medium growth" scenario as the preferred option. I have no reason to doubt either the findings or methodology of that process.
- 2.5 Furthermore, as will be discussed below, the "medium growth" scenario is consistent with the strategic context for Kingston town centre, as expressed in the London Plan. It also takes into account various factors which limit the extent of the town centre and act to constrain its potential for expansion. These include its position adjacent to the River Thames, its proximity to established housing areas and the presence of various heritage designations, including the Old Town Conservation Area. For these reasons, I am satisfied that sufficient consideration has been given to alternatives in the SA process. Reference is made to the SA at various points in the AAP, notably at paras. 4.13 to 4.15. I do not feel that the Council's suggested further change to para. 1.6 would add any additional clarity. I do not therefore recommend this change.
- 2.6 In accordance with the Habitats Directive, I am satisfied that an appropriate assessment has been undertaken and that there would be no significant harm to the Special Areas of Conservation at Richmond Park and Wimbledon Common as a result of the AAP's policies and proposals. This assessment was revised during the examination process in order to clarify its relationship to the Plan's housing proposals. Drawing these matters together, I am satisfied that the 3<sup>rd</sup> procedural test has been met.

### **3 Conformity, Coherence, Consistency and Effectiveness Tests (tests 4 to 9)**

- 3.1 This part of my report considers the soundness of the AAP in respect of the above tests. In the interests of brevity, I shall proceed on the presumption (set out at para. 4.24 of PPS 12) that the AAP is sound unless it is shown to be otherwise. In particular, I have seen no substantive evidence that the Plan has failed to take

into account the Council's Community Strategy (The Royal Borough of Kingston upon Thames Community Plan 2004-2009). This is extensively referenced within the AAP and has clearly informed both the broad thrust of the AAP and a number of its specific proposals. Minor changes proposed by the Council address particular concerns raised by representors in relation to the Plan's references to health provision and to Kingston Museum. I am satisfied that the Plan meets soundness test 5.

3.2 Bearing in mind the evidence before me, the representations that have been made and the discussions that have taken place at the examination hearings, I have identified eight main issues that bear upon the Plan's soundness in respect of tests 4, 6, 7, 8 and 9. These are as follows:

- (a) whether the Plan's adoption at this stage would prejudice the proper consideration of alternatives in the forthcoming Core Strategy (test 4);
- (b) whether the Plan's shopping policies are consistent with relevant national and regional policies and whether adequate assessment has been made of their effects on other centres (tests 4, 6 & 7);
- (c) whether the Plan will deliver a balanced range of new housing, consistent with the Borough's housing trajectory (tests 4, 6 & 7);
- (d) whether the Plan's transport policies and proposals are clearly expressed and whether they are consistent with relevant local, regional and national policies (tests 4, 6 & 7);
- (e) whether the Plan's conservation and design policies are clear, consistent and in accordance with the relevant statutory duty and national policies (tests 4 & 6);
- (f) whether the Plan's approach to the management of flood risk is consistent with national policy set out in Planning Policy Statement 25: *Development and Flood Risk* (PPS 25) (tests 4, 6 & 7);
- (g) whether the Plan's mechanisms for implementation and monitoring are sufficiently clear and robust (test 8); and
- (h) whether the Plan is sufficiently flexible to cope with changing circumstances (test 9).

**Issue (a): Whether the Plan's adoption at this stage would prejudice the proper consideration of alternatives in the forthcoming Core Strategy.**

- 3.3 Government guidance on what an AAP should include is set out in PPS 12 and its Companion Guide. Essentially, an AAP should be a spatial plan that draws together the plans and programmes of all relevant bodies and authorities to provide the land use planning framework for areas where significant change or conservation is contemplated. An AAP should identify the distribution of uses and their inter-relationships, including site specific allocations and a timetable for action. A key feature will be the focus on implementation.
- 3.4 The Kingston Town Centre AAP has been prepared in advance of the Borough's Core Strategy. Regulation 13(6) of the Town and Country Planning (Local Development) Regulations 2004 requires that policies in a DPD must be in conformity with a core strategy (where one is adopted) or with relevant development plan policies. In the present case, these are contained in the spatial development strategy (the London Plan, as amended) and the UDP. The approach taken by the Council is not recommended by PPS 12 but as long as the AAP conforms with the development plan there is no bar to its adoption.
- 3.5 The Greater London Authority has indicated that the AAP is in general conformity with the spatial development strategy. Policy 2A.5 of the London Plan designates Kingston as a metropolitan town centre and requires local policies that, among other matters, seek to exploit and enhance the town centre's accessibility, provide for a full range of town centre functions and sustain and enhance vitality and viability. Policy 5F1 (relating to the South London sub-region) identifies as a strategic priority the promotion and intensification of retailing and other uses in town centres, including opportunities for mixed-use development. UDP policy STR5 seeks to protect and reinforce the role of Kingston town centre as a regional retail centre and strategic centre.
- 3.6 The AAP is being produced in response to concerns about the town centre's attractiveness and vitality. Significant development has already occurred. However, pressure exists for further expansion, while sites for such developments are limited. The priority accorded by the Council to the AAP is, to my mind, an appropriate reflection of the town centre's importance. It is also consistent with the need to actively manage change, particularly having regard to the various factors (including transport network capacity, flood risk and the need to conserve the built and natural heritage) that may act to constrain its future development.
- 3.7 Bearing this strategic context in mind, and subject to the changes recommended elsewhere in my report in respect of the relationship between the AAP and its wider policy context, I am satisfied that

adoption of the AAP at the present stage would not prejudice the proper consideration of alternatives for the forthcoming Core Strategy. In this respect, the Plan satisfies soundness test 4.

**Issue (b): Whether the Plan's shopping policies are consistent with relevant national and regional policies and whether adequate assessment has been made of their effects on other centres.**

- 3.8 Policy K1 of the AAP proposes an overall increase of some 50,000 square metres in gross retail floorspace for comparison goods in the town centre. As the Council accepts, the wording of this policy's first bullet point has caused confusion. It is potentially misleading and requires amendment. I recommend a clearer rewording [RC1], with consequent changes to para. 4.8 and Schedule 1 [RC2-RC3].
- 3.9 The location of new shopping development within an existing town centre accords with the sequential approach required by both the London Plan and national policy in Planning Policy Statement 6: *Planning for Town Centres* (PPS 6). As already noted, the London Plan and UDP both seek to maintain and reinforce Kingston town centre's retailing role in line with its identification as a metropolitan town centre. Specifically, London Plan policy 3D.1 requires boroughs to enhance access to goods and services and strengthen the wider role of town centres, while policy 3D.2 requires the assessment of retail capacity and need when identifying the potential for additional development.
- 3.10 The AAP's shopping proposals are underpinned by retail capacity studies (dated 2003 and 2006) that identify significant expenditure growth for comparison goods within Kingston town centre's catchment area. The most recent of these studies, which has taken account of the expansion of alternative forms of retailing (such as online shopping) suggests that AAP's target of 50,000 square metres additional comparison floorspace is a conservative estimate. This level of growth, which relates to the period up to 2016 rather than the end of the plan period in 2020, is broadly consistent with that suggested in the London Plan Sub-Regional Development Framework for South London (2006). Therefore, while I note the concerns that have been voiced about the intended scale of new retail provision in the town centre, I am satisfied that AAP's target figure is supported by a robust evidence base and is in line with the relevant strategic policy context. The process that the Council has followed is consistent with the approach set out in London Plan policy 3D.2. I have no substantive reason to dispute the Council's conclusions that the additional floorspace would maintain Kingston town centre's existing status within London's retail hierarchy and that the town centre's catchment area and existing market share would remain broadly unchanged.
- 3.11 Notwithstanding the forecast growth in comparison retailing, there is at present relatively little demand for additional convenience floorspace within Kingston town centre. This finding is consistent

with a London-wide study that formed part of the evidence base for alterations to the London Plan. I do not therefore accept the need, raised by some respondents, for the AAP to set a particular target (or allocate specific sites) for further convenience shopping.

- 3.12 Concern has been raised regarding the effect of the proposed increase in retail floorspace on district centres in the neighbouring London Borough of Richmond upon Thames. However, while such centres include an element of comparison retail floorspace, the range and scope of such shopping is markedly more limited than that provided by the metropolitan centre at Kingston. Moreover, district centres generally serve different retailing needs, being focused to a greater extent on day-to-day shopping requirements.
- 3.13 Retail impact within London as a whole was modelled in a 2004 study which took account of some 46,000 square metres of extra shopping floorspace in Kingston town centre. The study concluded that the impact of such development on other shopping centres would be low. For example, the major centre of Richmond would experience trade diversion of around 2%. Diversion at this level does not suggest that the vitality and viability of that centre would be materially harmed. While the study does not present data in respect of impacts upon district centres, it is apparent that trade diversion was modelled for such cases. No centres in Richmond upon Thames, or indeed in the broad vicinity of Kingston town centre, were identified as being at risk by the study.
- 3.14 Bearing all of these factors in mind, I am satisfied that the AAP's shopping proposals would not adversely affect the vitality or viability of district centres. I have seen no substantive evidence to justify any element of phasing in respect of the Plan's shopping proposals. The suggestion that individual shopping developments in Kingston town centre should be subject to additional impact studies would conflict with the sequential approach set out in the London Plan and PPS 6.
- 3.15 For the same reason, I disagree with the view that priority should be given to developments within the existing, rather than the extended, Primary Shopping Area (PSA). It is clear from the evidence submitted that the existing PSA is unable to accommodate expansion on the scale proposed. Although alternative locations for the extended PSA were not considered in detail in the SA or public consultation process, I agree with the Council that, bearing in mind the existing balance of shopping within the town centre and the presence of various constraining factors, the identified area is the only realistic option for such expansion.
- 3.16 I conclude that the Plan's shopping policies are consistent with relevant national and regional policies and that adequate assessment has been made of their effects on other centres. In this respect, and subject to the changes set out below [RC1-RC3], the Plan satisfies soundness tests 4, 6 and 7.

- 3.17 The following changes are needed to make the AAP sound in respect of this issue:

**RC1:** Policy K1: 1<sup>st</sup> bullet point: delete "net" and "(gross)" and insert "gross" after 50,000 sq m.

**RC2:** Para 4.8: 1<sup>st</sup> bullet point: delete "(net)" and "(gross floorspace)" and insert "gross" after 50,000 sq m.

**RC3:** Schedule 1: Policy K1 target (3<sup>rd</sup> column): delete "net" and "(gross floorspace)" and insert "gross" after 50,000 sq m.

**Issue (c): Whether the Plan will deliver a balanced range of new housing, consistent with the Borough's housing trajectory.**

- 3.18 Policy K7 of the AAP states that provision is made for around 1000 new homes to be built in the town centre over the period 2006-2020, adding that this includes private and affordable housing as well as managed student accommodation. The Council now states that the figure of 1000 new homes does not accurately express its intended policy, as it is intended that provision for some 500 student bedspaces is made in addition to the 1000 new homes. It adds that such an interpretation is consistent with the summary of policy K7 in Appendix 1 of the AAP, as well as with the Council's estimation of the total housing potential within the AAP area set out in its Housing Background paper. It proposes to amend the policy and accompanying reasoned justification accordingly.
- 3.19 While I note the Council's view that the wording of policy K7 is merely inconsistent, it seems to me that the change that it now suggests represents a rather more substantive amendment to the AAP as submitted. This is because policy K7 as worded explicitly includes student housing within the 1000 unit figure, a statement that is repeated at para. 4.8. Moreover, with reference to both the anticipated capacity of the AAP sites and the expected delivery of housing development within the AAP area (as set out in the 2007 Annual Monitoring Report [AMR]), I consider that such a change is required in order to make the AAP sound. The Housing Background Paper estimates the potential of the AAP proposal sites as being in the order of 1159 housing units plus 536 student bedrooms – excluding some 214 bedrooms under construction at Vicarage Road (part of site P12). Although there are some concerns about the delivery of particular sites, a matter that I return to below, it is clear that if policy K7's 1000 unit target includes student housing then it is well below the likely overall capacity of the AAP area.
- 3.20 The contrast is similarly stark in respect of housing delivery. The Council's 2007 AMR anticipates the construction of some 1579 units (including student bedrooms) within the AAP area in the period to 2016/2017 (again excluding the Vicarage Road site). It was

confirmed at the examination hearings that constraints such as the presence of Green Belt and Metropolitan Open Land restrict the availability of additional sites in the Borough over and above those already identified in Kingston's Housing Capacity Study (HCS). The HCS has informed the expected breakdown of housing provision set out in the AMR. A marked shortfall in the expected development of housing sites within the AAP area would therefore call into question the delivery of the Borough's overall housing trajectory.

- 3.21 The scope for me to recommend substantive changes to the AAP is limited. However, in this case the "preferred options" consultation document and accompanying SA both explicitly considered the potential development of 1500 new homes (including student bedrooms) in the AAP area. The appropriate assessment in respect of the Habitats Directive, which originally considered 1000 new homes without reference to additional student accommodation, has been revised in order to address this point. Taking these matters together, I am satisfied that changes to policy K7 and para 4.8 along the lines suggested by the Council would amount to a matter that has already been the subject of public consultation and adequate consideration through the sustainability appraisal process. I recommend these changes below [RC4-RC5]. However, I do not feel that the third change suggested by the Council (to para 5.31) would add any greater clarity to the AAP's policy approach.
- 3.22 Concern has been voiced that, irrespective of the overall figures, the wording of policy K7 sets an in-principle ceiling on the level of housing that could be provided in the AAP area. The Council has clarified that this is not the intention of the policy, which it sees as merely setting a target for housing delivery. It adds that flexibility is provided by the qualification "around" in the policy's wording. Bearing in mind the inherent uncertainty in the delivery of housing proposals, such a qualification is prudent. While I have given careful consideration to the possibility of expressing the policy's target figures as minimum requirements, as discussed at the examination hearings, I feel that such a change would not necessarily be supported by the evidence base in respect of either site availability or the level of required housing delivery. It could potentially result in the development of significantly more housing than has been considered in the SA and appropriate assessment processes. I do not therefore recommend such a change.
- 3.23 It is accepted that Kingston University has a shortage of managed student accommodation and that this has implications for the supply of general housing within the AAP area. At the examination hearings, the University did not dispute the Plan's overall level of provision for student housing (subject to the changes recommended above). However, concern was raised about the feasibility of its delivery on particular sites. In fact, the AAP specifically refers to student housing in six of its proposal sites (P4, P8, P10, P11, P19 and P20). Only four of these are mentioned in the supporting text

(para. 5.31), which is clearly misleading and inconsistent – contrary to soundness test 6. I recommend that this is changed [RC6].

- 3.24 I have carefully considered the University's concerns about the deliverability of student housing. As will be seen below, the possibility of such development on site P19 is, at present, potentially constrained by the nearby gas holders. This might also limit the numbers of units that could come forward on the Kingston Station site (P10). While I note the Council's assertion that site P10 could in practice accommodate some 200 student bedspaces, the Urban Design Framework that it tabled at the examination hearings has not been discussed with relevant consultees – or indeed the University. Its status is therefore uncertain and, moreover, its late submission is at odds with the principle of "front-loading" that underpins the LDF process. I afford this document little weight.
- 3.25 Nevertheless, while I am aware of the University's concerns about the viability of smaller student accommodation schemes, I feel that the range of sites that has been identified for student housing in the AAP provides a significant opportunity for the establishment of such facilities in the town centre. As already noted, a 214 unit scheme is already under construction. While there may be a need for some flexibility on the part of the University in respect of the size of such schemes, I consider that there are enough sites, and an adequate amount of leeway, within the Plan to ensure that the target figure of 500 student bedspaces is achieved. Furthermore, I see no reason why this should be at the expense of achieving sufficient levels of amenity. There is no basis in national policy to distinguish between amenity standards for general and student housing – and I note that, irrespective of the Council's comments on this matter at the examination hearings, the AAP does not explicitly seek to do so. I am therefore satisfied that, subject to the changes that I have recommended (and notwithstanding the further change set out below in respect of site P10), the AAP contains the potential to substantially increase student housing provision in the town centre.
- 3.26 Network Rail has queried the lack of reference to general housing in respect of the Kingston Station site (P10). Any such scheme could also be subject to possible constraints arising from the proximity of the gas holders (see below). However, the Council has not adequately explained why this site is considered suitable for student accommodation but not general housing. It accepts that the site's public transport linkages are sufficient to support car free development. As already noted, all types of housing require adequate amenity standards. It seems to me that the potential for general housing on this site should therefore be recognised; its absence from policy P10 is not justified by the evidence base and, furthermore, is inconsistent with the treatment of other sites where both student and general housing is proposed – contrary to soundness tests 6 and 7. I recommend changes accordingly [RC7-RC8]. I am satisfied that there is sufficient flexibility within the overall range of proposal sites to prevent this change from

prejudicing achievement of the 500 student bedspace target mentioned above.

- 3.27 While the AAP makes specific provision for the development of affordable housing on certain sites, it does not set a general target for affordable housing delivery. However, the provisions of UDP policy H9 and the Council's Supplementary Planning Document (SPD) on Affordable Housing (2006) apply to the AAP area. Both are referenced in AAP policy K7. I agree with the Council that the inclusion of such Borough-wide policies in the AAP would be both repetitious and unnecessary.
- 3.28 It became apparent during the examination process that concerns exist regarding the deliverability of some of the AAP proposals in the vicinity of Kingston Gas Holders. These have been identified as a hazardous installation by the Health and Safety Executive (HSE). Such concerns relate mainly to housing proposals, but also apply to other sensitive uses such as the suggested expansion of Kingston College. With reference to the HSE's comments, proposals P10, P18, P19 and P20 are potentially affected. While proposal P18 has an extant planning permission for residential development, now under construction, the HSE has confirmed that it would not seek to change that decision, which was taken before the completion of its review of gas holder risks.
- 3.29 The evidence before me indicates that while the continued presence of the gas holders may act to limit the quantity of certain uses on remaining sites P10, P19 and P20, this would not necessarily rule out their development, broadly in line with the AAP, within the Plan period. As will be discussed below, the wording of the Plan's specific site proposals leaves some flexibility as to the type and/or amount of development. Redevelopment of the gas holder site itself, as is proposed in the AAP (albeit as a longer term aim), would remove the hazard. However, even if this were not to occur and development levels were constrained along the lines suggested by the HSE, I am satisfied (with reference to the Council's assessment of future housing potential and its additional documents tabled in respect of this matter) that there would be sufficient flexibility within other AAP sites to ensure that the required number and range of accommodation would be delivered within the Plan period. Nevertheless, in line with para. B18 of Annex B to PPS 12 and in order to meet soundness test 7, it is necessary to make explicit reference to the need for the development of sites P10, P18, P19 and P20 to take account of the storage of hazardous materials at the gas holders [RC9].
- 3.30 Subject to the changes set out below [RC4-RC9], I am satisfied that the Plan will deliver a balanced range of new housing, consistent with the Borough's housing trajectory. In this respect, and subject to these changes, the Plan satisfies soundness tests 4, 6 and 7.

- 3.31 The following changes are needed to make the AAP sound in respect of this issue:

**RC4:** Policy K7: 3<sup>rd</sup> line: delete "and" (after "flat sizes") and insert "together with around 500 bedspaces in".

**RC5:** Para. 4.8: 2<sup>nd</sup> bullet point: delete "and managed student accommodation" and insert ", together with managed student accommodation for around 500 students".

**RC6:** Para. 5.31: add P4 and P19 to the list of proposal sites in the final sentence.

**RC7:** Policy P10: 2<sup>nd</sup> sentence: insert "general and/or" before "managed student housing".

**RC8:** Para. 12.41: last sentence: insert: ", for residential use (K7)" before "and for managed student housing".

**RC9:** Proposals P10, P18, P19 and P20: add sentence to end of each proposal (after "policy K24.") stating: "Development proposals should take account of the storage of hazardous materials at Kingston Gas Holders."

**Issue (d): Whether the Plan's transport policies and proposals are clearly expressed and whether they are consistent with relevant local, regional and national policies.**

- 3.32 The Council concedes that the Plan's development proposals are expected to result in an increased number of trips to the town centre and it accepts that it is the expansion in retail floorspace that is likely to generate the greatest potential growth in this regard. A Transport Assessment (TA) has been undertaken in support of the AAP. In summary, this concludes that, subject to the intended redistribution of uses within the town centre and the implementation of specified measures, the transport network has the capacity to accommodate the anticipated level of growth and acceptable traffic circulation can be maintained.
- 3.33 The intended redistribution of uses and the specified transport improvements are therefore necessary elements of the AAP's development package. Indeed, the Council has subsequently confirmed that it would not allow the scale of development proposed in the AAP to proceed in the absence of required transport improvements. To my mind, the submitted evidence base clearly supports such a linkage. However, this is not explicitly set out in the Plan and, as a result, its internal coherence and effectiveness are weakened. This affects its soundness (test 6) and I recommend changes accordingly. Bearing in mind that it is the Plan's shopping proposals that have the greatest potential for trip generation, I recommend that a qualification is added to policy K1 to specify

that the proposed shopping development is subject to the provision of necessary transport infrastructure as specified elsewhere in the Plan [RC10]. For consistency, a similar change is recommended to para. 4.11 [RC11].

- 3.34 Para. 4.11 of the AAP cross-refers to the list of measures set out in paras. 4.8 and 4.9. These include "a potential permanent park and ride facility". However, it was clarified at the examination hearings that the development of such a facility is not one of the required transport measures referred to above. It was not included within, or recommended by, the TA. The possible site at Kempton Park lies outside the Borough boundary and its implementation relies on co-operation from other partners. It has an uncertain timescale. For these reasons, the scheme has a different status from the other transport proposals outlined in para. 4.8. For reasons of accuracy and consistency, and in order to meet soundness tests 6 and 7, this should be clarified in para. 4.11 [RC12].
- 3.35 Concerns have been raised about the Plan's failure to consolidate existing bus facilities into a single new bus station. However, I accept the Council's assessment that, bearing in mind the general shortage of developable land, this would prove impractical and unrealistic. Furthermore, I have seen no substantive evidence that the intended solution, in which a new Eden Quarter bus station would complement those at Fairfield and Cromwell Road, would be impractical. The relevant Plan policies have been developed in consultation with TfL London Buses.
- 3.36 Representors have also raised concern that the AAP does not adequately specify the detailed nature of the required transport improvements. I do not agree. Where appropriate, the locations of such facilities (for example the new bus station, cycle routes and improved pedestrian linkages) are shown on the proposals map. Reference is made to specific improvements in policies K16 to K19 – including the provision of an express bus link between Kingston and Surbiton – and in relevant proposal site policies. While the Plan does not quantify the size of the new Eden Quarter bus station, it provides an appropriate level of detail for a document of this nature. Further information on this and other transport schemes is set out in supporting documents and studies – notably the TA.
- 3.37 The AAP's development and transportation proposals have been formulated in the context of the Borough's Local Implementation Plan (LIP). Among other matters, this establishes a policy of demand restraint and sets modal shift targets with the aim of reducing the percentage share of car trips. The Council confirms that it is on target to reach (and exceed) the level of reduction sought by the LIP. While it accepts that this could potentially be negated by the levels of traffic arising from the AAP proposals (as projected by the TA), it considers those figures to represent a worst case scenario. In its view, robustness is provided by the fact that the TA's figures do not allow for a continuing downward trend of

background flows, do not significantly redistribute existing trips across the town centre to intercepting car parks and do not redistribute trips to more sustainable modes of travel.

- 3.38 I find the absence of consideration of these factors to be surprising. However, I accept that, in all cases, they would act to reduce rather than increase the TA's car trip estimates. As such, I do not depart from the broad thrust of the Council's argument. Nevertheless, the mitigating factors cited by the Council have not been quantified. It therefore seems to me that a prudent approach must be adopted if development is to take place at the scale envisaged in the AAP without harming wider transportation goals. In particular, and with reference to national policy in Planning Policy Guidance Note 13: *Transport* (PPG 13), it is necessary to exercise some restraint upon the demand for private car use as well as encouraging the use of alternative transport modes. With this in mind, I turn to consider the AAP's parking policies.
- 3.39 While some criticism has been made of the AAP's parking standards for new development, I am satisfied that these lie within the maxima set by PPG 13 and broadly accord with those in the London Plan. However, I share the view of some representors that policy K20's maintenance of public off-street parking at 7,000 spaces "+/- 700 spaces", which would allow for a possible 10% increase over the car parking target set out in UDP para. 12.69 (of 7,000 spaces), is at odds with the wider objective of demand restraint.
- 3.40 The developments proposed in the AAP would have the effect of redistributing off-street car parking within the town centre. This would provide a better geographical balance and facilitate the interception of vehicle trips into the town centre. However, while the "+/- 700 spaces" qualification is contained within the Council's Parking Strategy (2005), neither its supporting Parking Study (2004) nor the AAP's TA recommend that the UDP parking target should be changed. Indeed, a key conclusion of the Parking Study was that it was difficult to see a case for additional parking supply in Kingston Town Centre. As a result, the Study stated that the established policy level of 7,000 spaces needed no upward revision.
- 3.41 Such a view is supported by the AAP's evidence base. The Parking Study indicates that while some car parks are well patronised, others have substantial numbers of vacant spaces, even at busy periods. The (more recent) TA confirms that it is typical for the car parks in the north-west of the town centre to be over-subscribed while spare capacity remains in those to the south and east. My own observations are consistent with these assessments.
- 3.42 In view of the Council's aim of encouraging a modal shift away from private car use, an ambition that accords with national planning policy and the London Plan, I consider that any increase in town centre parking levels over and above the UDP target requires critical assessment. While the Council points to the need for

flexibility in order to respond to different development scenarios during the Plan period, it does not quantify what such scenarios might involve. It is not clear how they might relate to the package of proposals that has been considered through public consultation and the SA process. Indeed, it is unclear whether the transport implications of either a potential extra 700 parking spaces or the "different development scenarios" have been formally assessed. Neither is explicitly referenced in the submitted TA document.

- 3.43 Other justifications cited by the Council for the "+/- 700 spaces" qualification are: concerns about uncertainties in visitor behaviour (including the potential for longer stays in the town centre), the degree of success in rebalancing the town centre and the likely extent of modal shift away from the private car. However, the first of these matters has not been quantified and does not therefore of itself justify a potential increase in parking provision. The second factor suggests a degree of uncertainty about delivery of the AAP's package of development proposals that is at odds with the evidence presented elsewhere about the Plan's feasibility – a comment that equally applies to the third concern. Furthermore, as is made clear in PPG 13, the availability of car parking itself has a major influence on the means of transport that people choose for their journeys. Overprovision of parking in the town centre could, in principle, make it harder to achieve a modal shift away from private car use.
- 3.44 While a reduction in car parking provision of 700 spaces would broadly accord with a strategy of demand restraint, I have seen no substantive evidence that this is a realistic prospect in the context of the level of development that is now proposed and the need to rebalance the parking provision around the town centre.
- 3.45 For these reasons, I consider that the qualification of "+/- 700 spaces" contained in policy K20 is not justified by the Plan's evidence base and is at odds with wider policies of demand restraint – contrary to soundness tests 4, 6 and 7. This provision should be deleted from the Plan and policy K20 should revert to the UDP target of 7,000 spaces. The inclusion of the qualification "around" will provide flexibility [RC13]. Consequent changes are required to the supporting text [RC14-RC16].
- 3.46 Subject to the changes set out below [RC10-RC16], I conclude that the Plan's transport policies and proposals are clearly expressed and are consistent with relevant local, regional and national policies. In this respect, and subject to these changes, the Plan satisfies soundness tests 4, 6 and 7.
- 3.47 The following changes are needed to make the AAP sound in respect of this issue:

<p><b>RC10:</b> Policy K1: 1<sup>st</sup> bullet point: After 2016 add: ",subject to the provision of necessary transport infrastructure as specified elsewhere in this Plan,"</p>
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**RC11:** Para. 4.11: Add the following to the end of the paragraph: "The Council will not allow the scale of development proposed in the Plan to proceed in the absence of necessary transport improvements."

**RC12:** Para. 4.11 (line 17): After "rebalance parking" add: "(excluding the potential permanent park and ride facility)".

**RC13:** Policy K20 (1<sup>st</sup> bullet point): Delete "7,000 spaces +/- 700 spaces" and insert "around 7,000 spaces".

**RC14:** Schedule 1: Policy K20 target (3<sup>rd</sup> column): Delete "7,000 spaces +/- 700 spaces" and insert "around 7,000 spaces".

**RC15:** Para. 4.8 (last bullet point): delete "plus or minus 700 spaces;".

**RC16:** Para. 9.26: Delete second sentence and first three words "Despite these uncertainties" from the third sentence.

**Issue (e): Whether the Plan's conservation and design policies are clear, consistent and in accordance with the relevant statutory duty and national policies.**

- 3.48 The central section of the AAP area, focused on the Market Place, falls within the Old Town Conservation Area (OTCA). AAP policy K11 provides specific guidance for development schemes and enhancement proposals within the OTCA. The Council accepts that this policy's wording should be amended in order to align with the relevant statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For reasons of consistency, and to meet soundness test 6, I recommend that this change is made [RC17].
- 3.49 The Council suggests a further change to refer to the approval of supplementary planning guidance (SPG) for the OTCA in 2006. While I agree that this is a matter of fact, I note that it is intended to prepare a supplementary planning document (SPD) for the OTCA in due course. Reference to the earlier SPG would therefore be unnecessary, and indeed would confuse the policy context. I do not therefore recommend that this change is made.
- 3.50 Three other conservation areas (Riverside North, Fairfield/Knights Park and Grove Crescent) extend within the AAP boundary. A fourth (Riverside South) abuts the southern end of the Plan area. With the exception of some references for specific proposal sites, the AAP does not set out advice for development in these areas. I accept that large parts of these conservation areas lie outside the AAP boundary and I note that they are covered by the provisions of the UDP (notably policies BE3 and BE4), as well as relevant national

guidance. Nevertheless, this is not presently made explicit in the AAP. It is therefore necessary to add a reference to para. 7.4 along the lines suggested by the Council [RC18].

- 3.51 Several representors have requested that specific controls be introduced into the Plan to limit the height of new developments. I have considered this matter in the context of national policies, notably Planning Policy Statement 1: *Delivering Sustainable Development* (PPS 1) and *By Design* (CABE/DETR). PPS 1 encourages the development of robust design policies, whilst stressing the need to avoid unnecessary prescription or detail.
- 3.52 The AAP area covers several areas of particular visual sensitivity. Proximity to the River Thames, the presence of conservation areas and the relationship to wider views of importance are especially significant features. All are potential factors to consider when assessing the height of new development proposals.
- 3.53 To some extent, the AAP addresses these matters. Its provisions for conservation areas are discussed above. Policy K9 gives general guidance on design quality, referring to the need to safeguard the panorama and key views. These are outlined on a separate plan. Policy K13 includes requirements for riverside development schemes, stating that visual assessment may be required.
- 3.54 However, policy K9 identifies a number of proposal sites as areas in which the Council will promote redevelopment, improvement and the provision of 'distinctive exemplary quality contemporary architecture' to provide new landmarks to 'reinforce identity and improve legibility'. While para. 6.11 emphasises that landmark status does not imply tall buildings, it goes on to state that 'in some circumstances, buildings which are taller than their surroundings can provide identity, improve legibility and emphasise the hierarchy of a place'. Such tall buildings are therefore not ruled out by the Plan – a stance confirmed by the Council at the examination hearings. Indeed, *By Design* states that a feature of 'landmark' buildings is that they stand out from their background by virtue of height, size or some other aspect of design. Para. 6.11 of the AAP states that details are set out in Part C of the document. However, this provides only limited additional guidance on how the 'landmark' designation is to be applied in particular cases. No advice is given about acceptable building heights.
- 3.55 I appreciate that there is a balance to be drawn between the need to establish robust design policies that respond to local distinctiveness and the desire to avoid an unduly prescriptive approach that would stifle innovation or originality. However, it seems to me that the visual context of some areas within Kingston town centre is such as to make the height of new developments an extremely important issue. This is apparent from the AAP's evidence base – for example, in the treatment of riverside building heights at Kingston in the Thames Landscape Strategy. It is also

implicit in the list of design requirements for proposals in the Thames Policy Area defined by UDP policy OL14 – which include assessments of matters such as scale, mass, height and silhouette.

- 3.56 The Council considers that detailed definition of building heights is not appropriate for an AAP, being more suited to supplementary guidance. I do not agree. With reference to para. 38 of PPS 1, it is clearly appropriate for design policies to guide matters such as building height – particularly where this impinges on local distinctiveness. Indeed, such an approach was apparently taken in an early version of the AAP. Furthermore, UDP policy BE14 provides guidance on the height of development, resisting proposals that do not respect the height of surrounding buildings in some cases (e.g. conservation areas) and requiring consideration of such schemes elsewhere only in exceptional circumstances.
- 3.57 Drawing these matters together, I consider that the AAP's suite of policies generally provides sufficient guidance on design matters and achieves the balance referred to above. The exception is in the case of those 'landmark' sites that lie within areas that are subject to other policies that might constrain the height of a development. This applies to sites P12, P13 and P17, all of which lie close to the River Thames (in the UDP policy OL14 area). P13 also lies in the OTCA.
- 3.58 In these cases, and in the absence of specific guidance on acceptable building heights, it is unhelpful to designate the site as a 'landmark' without specifically explaining how such a designation can, in practice, be resolved with the other constraints that the Plan identifies. The resulting lack of clarity does not assist potential developers, thereby introducing uncertainty into the implementation process. It also creates the potential for inconsistency – both within the Plan's suite of policies and proposals and between the AAP and UDP policy BE14 (in respect of P13's location within the OTCA). These factors bear upon the Plan's soundness – notably tests 4 and 6. For these reasons, I recommend that the 'landmark' status of proposals P12, P13 and P17 is removed [RC19-RC27].
- 3.59 Subject to the changes set out below [RC17-RC27], I conclude that the Plan's conservation and design policies are clear, consistent and in accordance with the relevant statutory duty and national policies. In this respect, and subject to these changes, the Plan satisfies soundness tests 4 and 6.
- 3.60 The following changes are needed to make the AAP sound in respect of this issue:

**RC17:** Policy K11: 2<sup>nd</sup> sentence: Add "appearance," after "character," and before "setting".

**RC18:** Para. 7.4: Add the following to the end of the para.: "Development proposals within, or with the potential to affect,

conservation areas will be assessed against the policies and guidance identified above."

**RC19:** Policy K9: Delete proposals P12, P13 and P17 from the list of sites in which new landmarks will be provided.

**RC20:** Proposals Map: Delete landmark site notation from proposals P12, P13 and P17. Consequent changes to plans 7, 11 and 26 and relevant character area plans (if these are retained).

**RC21:** Para. 6.11: 2<sup>nd</sup> sentence: delete "six" and insert "three".

**RC22:** Policy P12: 2<sup>nd</sup> bullet point: delete "including a landmark building adjacent to the new public space".

**RC23:** Para. 12.46: 2<sup>nd</sup> sentence: delete "landmark".

**RC24:** Policy P13: 1<sup>st</sup> sentence: delete "landmark".

**RC25:** Para. 12.56: 1<sup>st</sup> sentence: delete "landmark".

**RC26:** Policy P17: Delete 5<sup>th</sup> bullet point.

**RC27:** Para. 12.68: 3<sup>rd</sup> sentence: delete "17a is identified for high quality landmark development (K9) and building proposals" and insert "Development on site 17a".

**Issue (f): Whether the Plan's approach to the management of flood risk is consistent with national policy set out in Planning Policy Statement 25: *Development and Flood Risk* (PPS 25).**

- 3.61 Kingston town centre has a history of flooding and a number of the AAP proposal sites lie within areas with a medium or high flood risk – namely PPS 25 zones 2, 3a and 3b.
- 3.62 In several cases, the types of development proposed in the AAP for specific sites do not accord with the appropriate uses set out for the relevant flood zone in Annex D of PPS 25. Nevertheless, the Environment Agency has no objections to the AAP's approach to flood risk. After careful consideration of this matter, and following the production of further evidence by the Council during the examination hearings, I agree with this assessment.
- 3.63 The Council's approach to flood risk management in Kingston town centre is set out in AAP policy K24. This must be read in conjunction with the guidance in a Strategic Flood Risk Assessment (SFRA), which underpins the approach that the Council has adopted and sets out detailed planning recommendations for development in flood risk areas. In general, the SFRA has been adequately incorporated into the AAP – although there is an error in respect of policy P11 which should refer to zone 3a rather than zone 2. A number of detailed cross-references in policy K24 also require

amending. I recommend that these changes are made [RC28-RC29].

- 3.64 The status of the SFRA is unclear; it is not a supplementary planning document and has no statutory weight. Given that its recommendations affect the delivery of Kingston's spatial planning strategy, I consider that its policy advice could, in the future, usefully be incorporated in some form into the Council's Local Development Framework. Nevertheless, I accept that the level of detail that it contains would unbalance the AAP.
- 3.65 I have no reason to disagree with either the conclusions of the SFRA or the combined policy approach provided by the SFRA and policy K24. However, PPS 25 requires that a sequential approach is taken that seeks to steer new development to areas at the lowest probability of flooding. The SFRA explicitly does not attempt to address the requirements of this sequential test. Given that parts of the town centre are at a higher risk of flooding than much of the rest of the Borough, and in the absence of a Core Strategy, it is necessary to demonstrate that sites are not reasonably available in lower risk areas for sensitive uses that are being proposed for higher risk sites within the AAP.
- 3.66 Evidence of such a sequential assessment was lacking from the documentation provided at the AAP's submission stage. This was a serious flaw in the Plan's evidence base. Nevertheless, in response to my questions during the examination the Council was able to provide evidence of having undertaken a sequential assessment in preparing the AAP. Despite the late submission of the relevant document, I am satisfied that the sequential test has been applied in a manner that is consistent with the approach set out in PPS 25. It is however necessary for this to be explicitly acknowledged in the AAP. I recommend a change accordingly [RC30].
- 3.67 Subject to the changes set out below [RC28-RC30], I conclude that the Plan's approach to the management of flood risk is consistent with national policy set out in PPS 25. In this respect, and subject to these changes, the Plan satisfies soundness tests 4, 6 and 7.
- 3.68 The following changes are needed to make the AAP sound in respect of this issue:

**RC28:** Policy P11: Delete "Flood Risk Zone 2 (medium risk)" and insert "Flood Risk Zone 3a (high risk)".

**RC29:** Policy K24: 1<sup>st</sup> para: Amend date of SFRA from 2006 to 2007; 2<sup>nd</sup> bullet point: delete *first* "freeboard" and replace with "climate change" and delete "section 7.3.2" and insert "section 6.4.4"; 6<sup>th</sup> bullet point: delete "freeboard" and insert "climate change incorporating an allowance for freeboard" and delete "section 7.3.2" and insert "section 6.4.5".

**RC30:** Para 11.7: Delete last sentence and insert: "It has informed the application of the sequential test required by PPS 25 that underpins the allocation of sites and the assessment of development proposals in this AAP."

**Issue (g): Whether the Plan's mechanisms for implementation and monitoring are sufficiently clear and robust.**

- 3.69 Soundness test 8 requires a DPD to contain clear mechanisms for implementation and monitoring. As already noted, PPS 12 states that a key feature of an AAP is the focus on implementation.
- 3.70 Chapter 13 provides details of the Council's broad approach towards implementation, stressing the need for effective and co-ordinated delivery. Schedules 1 and 2 list the agencies responsible for implementing policies and proposal sites respectively, as well as identifying indicators, targets and dates. The selected indicators are broadly consistent with those specified by the Government as LDF core output indicators, as set out in the (then) ODPM document, 'Local Development Framework Monitoring: Good Practice Guide'. They will be contained in data collected for the Borough as a whole and produced in successive Annual Monitoring Reports (AMRs). It is also intended that AMRs will indicate what progress has been made on the development of each proposal site.
- 3.71 The Plan's implementation strategy has been informed by a study that sought to identify the most appropriate delivery model. The approach that was adopted involved the identification of a strategic delivery partner to focus on the development of the Eden Quarter. In 2003, a co-operation agreement was signed with a developer (Hammerson) with an interest in the Eden Quarter sites (P1 to P5).
- 3.72 Following the AAP's submission, and with reference to a ruling by the European Court of Justice regarding EU procurement rules, the Council ended its relationship with Hammerson. It is now actively involved in re-procuring this project, and aims to complete this exercise in mid-2008. Bearing in mind the likely timescale for completion of the Eden Quarter sites, as set out in Schedule 1, I am satisfied that this matter will not prevent the implementation of these proposals within the AAP period. Indeed, the AAP itself (at para. 13.10) anticipates the possible need for alternative delivery mechanisms and partners. I agree with the Council that it is necessary to amend relevant references in order to reflect the changing circumstances and set out clear mechanisms for implementation in line with soundness test 8 [RC31-RC38]. However, in the interests of brevity, I do not adopt all of the Council's suggestions.
- 3.73 In respect of the plan's other policies and development sites, I am satisfied that Schedules 1 and 2 provide an adequate level of detail about the main stakeholders that are involved in their delivery and

the key milestones and targets that have been identified for their implementation. Progress has already been made on some of the sites; as already noted, development is underway on site P18 and part of site P12. As these schemes fall within the Plan period of 2006-2020, I see no reason to delete the areas concerned from the respective proposal sites. While I have identified particular constraints in respect of some of the other sites identified, I have concluded above that there is sufficient flexibility within the AAP as a whole to ensure that its policy objectives are achieved within the Plan period. I agree with the Council that the existence of past planning permissions or the likelihood of new schemes coming forward should not necessarily preclude the setting out of a more comprehensive vision for sites in the AAP, consistent with the Plan's wider package of proposals and improvements.

- 3.74 Subject to the changes set out below [RC31-RC38], I conclude that the Plan's mechanisms for implementation and monitoring are sufficiently clear and robust. The Plan satisfies soundness test 8.
- 3.75 The following changes are needed to make the AAP sound in respect of this issue:

**RC31:** Para. 12. 8: 1<sup>st</sup> sentence: End sentence after "Study Area"; delete 2<sup>nd</sup> sentence.

**RC32:** Para. 13.8: Delete 2<sup>nd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> sentences. Insert the following at the end of the para: "However this work has been terminated along with the Council's contractual relationship with Hammerson. The procurement of a new development partner commenced in early 2008."

**RC33:** Para. 13.9: 1<sup>st</sup> sentence: Delete "Hammerson" and insert "the successful development partner".

**RC34:** Para. 13.10: Delete last sentence and insert: "Whilst the Council is no longer seeking to conclude an exclusive DA with Hammerson, it is envisaged that a DA will still be required to regulate the contractual relationship between the Council and the successful development partner."

**RC35:** Para. 13.11: 1<sup>st</sup> and 2<sup>nd</sup> sentences: Delete "Hammerson proposal" and insert "Eden Quarter development".

**RC36:** Para. 13.13: 1<sup>st</sup> sentence: Delete "Hammerson proposals" and insert "Eden Quarter development".

**RC37:** Para. 13.18: 2<sup>nd</sup> sentence: Delete "which are being worked up with developer Hammerson under the Co-operation Agreement" and insert: "and the Council will expect these features to be incorporated into any scheme for the Eden Quarter."

**RC38:** Schedule 2: Proposal sites P1, P2, P3 and P5: replace "Hammerson/RBK" with "RBK/Selected Development Partner"

**Issue (h): Whether the Plan is sufficiently flexible to cope with changing circumstances.**

- 3.76 Policies P1 to P20 list the types of uses that the Council envisages for the AAP's proposal sites. Some representors have commented that these policies are unduly prescriptive, while others feel that they are too flexible and are therefore lacking in certainty.
- 3.77 In line with relevant national and London-wide policies for town centre development, the Plan seeks mixed use schemes for the majority of its proposal sites. Given the need for the proposals to achieve a range of other objectives – including infrastructure provision, urban design solutions and environmental improvements – it is prudent to avoid being too prescriptive in relation to the amount of floorspace or the intended number of units that each site is anticipated to provide. Nevertheless, given that the redistribution of uses within the town centre is a requirement of the Transport Assessment, it is necessary to establish a clear locational framework for new development. Subject to my comments elsewhere in this report, I consider that the level of detail provided in the AAP is sufficient to meet this objective.
- 3.78 Discussion took place at the examination hearings about the way in which policies P1 to P20 have been worded. In particular, there is some variation between the approach taken in different policies, with some requiring sites to "provide ..." while others state that schemes should "include ...". However, I accept the Council's view that such differences relate to particular site circumstances and that a more standard form of words could result in a loss of flexibility. I also agree with the Council that para. 12.5 should be amended in order to clarify the status of these policies, although I do not feel that all of its suggested changes are necessary in this regard [RC39].
- 3.79 In other respects, I am satisfied that adequate flexibility is built into the Plan's general policy approach. For example, as discussed above, there is likely to be sufficient capacity in the town centre to meet the anticipated level of housing provision even if some of the proposals are constrained by factors such as the presence of the gas holders on site P19. Drawing the above matters together, and subject to the change set out below [RC39], I conclude that the Plan is sufficiently flexible to cope with changing circumstances. Subject to this change, it satisfies soundness test 9.
- 3.80 The following change is needed to make the AAP sound in respect of this issue:

**RC39:** Para 12.5: 3<sup>rd</sup> sentence: Put full stop after “process” and delete rest of sentence. Insert new sentences as follows: “The Council will encourage more detailed assessment and site planning through negotiations with landowners and prospective developers as part of the development control process. It will expect applicants to demonstrate that they have considered and responded to the range of uses and site specific guidance identified in the Proposal Site policies in preparing their planning applications.”

#### 4 Other Matters

- 4.1 Concerns were voiced by some representors in respect of the Plan's approach to proposals involving the net loss of B1 office floorspace. However, while I accept the view voiced by some representors that there is little demand for any expansion of office floorspace in the town centre, it is clear from the AAP's evidence base that office-based employment remains important part of the town centre's economic diversity. Furthermore, I feel that the approach set out in policy K4, which allows for a net loss of office floorspace in a development if this is outweighed by the achievement of other AAP objectives, is pragmatic and not unduly prescriptive. No change is needed in this respect.
- 4.2 Following submission of the AAP, the Council published changes to the Proposals Map with the effect of adding a number of secondary shopping frontages to those already designated. These changes were the subject of an additional public consultation exercise in September and October 2007. While such pre-examination changes are discouraged by PPS 12, I am satisfied that, in the present case, they are necessary for reasons of consistency and accuracy. They do not adversely affect the plan's soundness or require amendment to the text. Nor do they raise new issues that have not been addressed in the submitted Sustainability Appraisal. Accordingly, I recommend that these frontages are shown on the Proposals Map [RC40].
- 4.3 Para. 2.2 of PPS 12 emphasises the need for the format of local development documents to be clear and succinct. To my mind, the AAP falls short of these objectives. At over 196 pages, it is both too lengthy and too complex. While the use of illustrations helps to break up the text, the document is overburdened with visual material. Indeed, the large number of plans and photographs (there are in the order of 300 images in the document) and the use of a range of colour highlights and text boxes reduces the prominence of the Plan's policies and proposals. As a result, they can be difficult to locate quickly – a criticism also made by some representors. An index of policies and proposals is necessary and I recommend that this is added near to the front of the document [RC41]. The four page summary (Pages i to iv), which largely duplicates the material contained in chapter 4, adds little to the

Plan's usability and contributes to its volume. I recommend that this is deleted [RC42].

- 4.4 The following changes are recommended in respect of the above matters:

**RC40:** Proposals Map: Addition of the following secondary shopping frontages:

- a) Sainsburys, Sury Basin;
- b) the Rotunda frontages in Cromwell Road and Clarence Street;
- c) Charter Quay, Jerome Place and riverside frontages;
- d) the Gazebo Public House riverside frontage;
- e) the Anstee House/TGI Fridays frontage (Wood Street);
- f) the corner unit at St James's Road and Eden Street;
- g) the extended Lidl frontage on Fairfield West/Weston Park/Adams Street;
- h) the rear of British Home Stores on Eden Street;
- i) Wood Street between Vicarage Road and Water Lane; and
- j) Vicarage Road.

**RC41:** Addition of an index of policies and proposal sites.

**RC42:** Deletion of the four page initial summary.

- 4.5 The AAP contains much background information that is more appropriately set out elsewhere. Examples include plans 3, 4, 5, 6, 9, 13, 14a-d, 22, 23, 24 and 25. Policy actions are set out on both the proposals map and individual plans within specific chapters (such as plans 7, 8, 11 and 12 and character area plans). This causes duplication and introduces the potential for error: a number of the errors identified by the Council relate to these plans. Fewer plans and a reduction in visual clutter would benefit the AAP and lower the number of required corrections. However, this is a matter of presentation only. It does not affect the Plan's soundness and, accordingly, is not a recommended change.

## 5 Minor Changes

- 5.1 The Council wishes to make a number of minor changes to the submitted AAP in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse those set out in Annex 1 in the interests of clarity and accuracy; they have however been edited for reasons of brevity. It should be noted that these changes do not generally include the Council's list of corrections to misspellings and typographical errors (marked "E" on the Council's schedules). For the avoidance of doubt, these and any other errors relating to matters of fact should be corrected, as should any consequential amendments that arise from the changes that I have recommended.

## **6 Overall Conclusion**

- 6.1 I conclude that, with the amendments that I recommend, the Kingston Town Centre Area Action Plan satisfies the requirements of section 20(5) of the 2004 Act and the associated Regulations, is sound in terms of section 20(5)(b) of the 2004 Act and meets the tests of soundness in PPS 12.

*M J Hetherington*

INSPECTOR

## Annex 1

### Schedule of Minor Changes Proposed by the Council (excluding the correction of typographical errors)

**MC1:** Para. 2.17: 4<sup>th</sup> sentence: Insert "significant" before the first "need",

**MC2:** Para 2.19: 2<sup>nd</sup> sentence: Delete "Core Strategy policies" and insert "other development plan documents".

**MC3:** Para. 3.13: 3<sup>rd</sup> sentence: Delete: "other options are being considered" and insert: "other options for the expansion/enhancement of its facilities are being considered".

**MC4:** Para. 3.23: 2<sup>nd</sup> sentence: Insert "for the town centre" after "has been prepared".

**MC5:** Para. 3.24: Add the following to the end of the paragraph: "These are set out more fully in the Sustainability Appraisal."

**MC6:** Para. 4.8: 5<sup>th</sup> bullet point: Delete "library" and insert "library/museum".

**MC7:** Para. 4.15: 2<sup>nd</sup> sentence: Add the following to end of sentence: "(SAR page 67 paras. 5.63- 5.64)"

**MC8:** Update Policy Context boxes in chapters 5 to 11 inclusive to refer to correct date and stage of London Plan.

**MC9:** Policy Context box in chapter 5 (page 39): 2<sup>nd</sup> column: Add under London Plan: "3A.8i Affordable Housing Thresholds".

**MC10:** Policy K2: Penultimate para.: Delete "Guidance" and insert "Documents".

**MC11:** Para 5.30: 1<sup>st</sup> sentence: Delete "and Council's Supplementary Planning Advice on Design, Access and Sustainability".

**MC12:** Policy Context box in chapter 6 (page 55): Add under London Plan: "4A.2i Sustainable Design and Construction, 4A.5i Decentralised Energy: Heating, Cooling and Power, 4A.15 Tackling Climate Change, 4A.2ii Mitigating Climate Change".

**MC13:** Policy K9: 2<sup>nd</sup> bullet point: Delete "Reflect" and insert "Respond to".

**MC14:** Para 6.10: 1<sup>st</sup> sentence: Delete "Design, Access and Sustainability Statements" and insert "Design and Access Statements".

**MC15:** Para. 6.10: Add the following at end of para.: "The creation of high quality landscaped spaces, including green spaces, is important as they can enhance biodiversity and the natural environment, as well as

improving the townscape and contributing to a better quality of life and sense of well-being."

**MC16:** Para. 9.17: Insert the following after 1<sup>st</sup> sentence: "There are approximately 600 on-street secure cycle parking spaces in Kingston Town Centre and on busy weekend summer afternoons these can be full to capacity. There is limited space on the highway to accommodate substantially more parked cycles."

**MC17:** Para. 9.20: Last sentence: Insert "Surrey County Council" before "Spelthorne".

**MC18:** Policy K20: 2<sup>nd</sup> bullet point: Delete "P3, P4 and P5" and insert "P3, P4, P5 and P12".

**MC19:** Para 9.24: 4<sup>th</sup> sentence: Insert "(P12)" after "reconstruction".

**MC20:** Para 10.6: Last sentence: Delete "is due for adoption by July 2007" and insert "was adopted in October 2007".

**MC21:** Para. 11.1: 1<sup>st</sup> sentence: Add "and health" after "community".

**MC22:** Policy Context box under policy K22: Add under London Plan (2<sup>nd</sup> column): "3A.20 Health Impacts, 4A.1 Waste Strategic Policy and Targets, 4A.2 Spatial Policies for Waste Management".

**MC23:** Amend plan 19 to correctly show flood risk zone boundary in eastern town centre in line with SFRA figure 2.

**MC24:** Para. 12.5: 1<sup>st</sup> sentence: Replace full stop with a comma and add the following to the end of the sentence: "relevant 'saved' UDP policies (until they are superseded by other DPDs), national planning policies and the London Plan."

**MC25:** Para 12.6: 1<sup>st</sup> sentence: Delete "in this AAP".

**MC26:** Para 12.6: 1<sup>st</sup> bullet point: Delete "Design, Access and Sustainability Statements" and insert "Design and Access Statements".

**MC27:** Para 12.58: 3<sup>rd</sup> sentence: Delete "and the listed Grade 1 Coronation Stone outside the Guildhall."

**MC28:** Schedule 1: Part B: Policy K6: 2<sup>nd</sup> and 3<sup>rd</sup> columns: Delete "library" and insert "library/museum".

**MC29:** Schedule 2: Part C: Policy P6: 2<sup>nd</sup> column: Delete "library" and insert "library/museum".

**MC30:** Appendix 5: 1<sup>st</sup> Column: delete "Non-food store (A1) exceeding 2500m<sup>2</sup>" and insert "Non-food retail warehouse (A1) exceeding 2500m<sup>2</sup>"

## **Annex 2**

### **List of Abbreviations used in Report**

AAP	Area Action Plan
AMR	Annual Monitoring Report
CABE	Commission for Architecture and the Built Environment
DA	Development Agreement
DETR	Department of the Environment, Transport and the Regions
DPD	Development Plan Document
GLA	Greater London Authority
GOL	Government Office for London
HCS	Housing Capacity Study
HSE	Health and Safety Executive
LDF	Local Development Framework
LIP	Local Implementation Plan
MC	Minor Change (to the Area Action Plan)
ODPM	Office of the Deputy Prime Minister
OTCA	Old Town Conservation Area
PPG	Planning Policy Guidance note
PPS	Planning Policy Statement
PSA	Primary Shopping Area
RC	Recommended Change (to the Area Action Plan)
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
TA	Transport Assessment
TfL	Transport for London
UDP	Unitary Development Plan